

## **REMARKS**

Reconsideration is respectfully requested.

Claims 1-5, 10-19 and 27-40 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1, 11-15, 28-30, 35 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Donovan (US 2,698,637). Claims 1, 11-15, 28-30, 33, 35 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Bolen (US 4,130,152). Claims 1, 11-15, 28-30, 32, 35 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Langford (US 6,161,456). Claims 1-5, 10-19, 27-30, 35 and 37-40 were rejected under 35 U.S.C. 102(b) as being anticipated by McCauley (US 4,648,293). Claims 6-9 and 20-26 were withdrawn from further consideration under 37 C.F.R. 1.142(b) as being drawn to non-elected species. Claims 31, 34 and 36 may be given favorable consideration if rewritten to overcome the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.

### **Rejection Under 35 U.S.C. 112, 2<sup>nd</sup> Paragraph**

This rejection is applied to all of the pending claims that are not withdrawn (claims 1-5, 10-19 and 27-40). However, only claims 1 and 5 are discussed. Claim 1 is said to be written in narrative form, to contain functional or operative language, and to define a single element. Claim 5 is rejected as ending in a semicolon rather than a period.

Claim 5 has been amended to correct the typographical error.

Claim 1 has been amended to set forth various structural elements and their operational relationships. A housing is recited that has an open fastener-receiving end and a base end having an associated torque-receiving configuration adapted to transfer rotational torque from a torquing source to the housing. Disclosure support for this limitation is provided by elements 6 and 8 of the drawings and the specification discussion at page 5, line 13 – page 6, line 4. The housing

also has a key well in which the key pattern is slideably disposed. Disclosure support for this limitation is provided by element 14 of the drawings and the specification discussion at page 6, lines 12-15. A torque-transfer configuration is situated between the key well and the key pattern so that torque applied to the housing from the torquing source is transferred to the key pattern. Disclosure support for this limitation is provided by element 22 of the drawings and the specification discussion at page 7, lines 7-17.

Independent claim 15 has been amended to specify that the housing has a base end and an open fastener-receiving end. Disclosure support for this limitation is provided by elements 6 and 8 of the drawings and the specification discussion at page 5, line 13 – page 6, line 4. Claim 15 has also been amended to specify that the key head has an opposite end with an end face that faces the housing base end, with the opposite end being free of torque-receiving shank structure extending beyond the housing base end. Disclosure support for this limitation is provided by element 24 of the drawings and the specification discussion at page 7, lines 18-19.

Independent claim 40 has been amended to specify that the housing has a base end and an open fastener-receiving end. Disclosure support for this limitation is provided by elements 6 and 8 of the drawings and the specification discussion at page 5, line 13 – page 6, line 4. Claim 40 has also been amended to specify that the key head has an opposite end with an end face that faces the housing base end, with opposite end being free of torque-receiving shank structure extending beyond the housing base end. Disclosure support for this limitation is provided by element 24 of the drawings and the specification discussion at page 7, lines 18-19. Claim 40 has also been amended to specify that the housing base end has an associated torque-receiving means for transferring rotational torque from a torquing source to the housing. Disclosure support for this limitation is provided by element 6 of the drawings and the specification discussion at page

5, line 13 – page 6, line 4. There is also a torque-transfer means situated between the key well and the key pattern for transferring torque applied to the housing from the torquing source to the key pattern. Disclosure support for this limitation is provided by element 22 of the drawings and the specification discussion at page 7, lines 7-17.

Based on the foregoing amendments, the requirements of 35 U.S.C. 112, 2<sup>nd</sup> paragraph, should now be satisfied.

#### Rejections Under 35 U.S.C. 102

The various structural embodiments of Applicants' specification and drawings are directed a security key wherein a housing, which is adapted for connection to a torquing tool or a handle, carries a slideable key pattern within a key well. The key pattern has no associated shank extending from the housing. Placement of the key pattern on a fastener is therefore effected by manipulating the housing via the torquing tool or handle. When the housing is manipulated to place the key pattern on the fastener, the key pattern will engage the fastener if the fastener has a matching lock pattern, thereby allowing the fastener to be torqued. If the key pattern does not match the fastener, any attempt to push the housing so as to force the key pattern into engagement with the lock pattern will result in the key pattern retracting further within the key well. This provides a security feature that prevents unauthorized operation of the fastener.

In contrast, none of the prior art tools are capable of providing this security feature. In each such tool, the tool is manipulated by a torque-receiving shank that integrally comprises, or is directly connected to, a fastener-engaging structure (e.g., screw driver tip, etc.). What the Office considers to be a housing as recited in Applicants' claims is a sleeve that slides back and forth on the shank in order to either surround or expose the fastener-engaging structure, depending on the sleeve's position. In all cases, the purpose of the sleeve to help guide and

position the fastener-engaging structure, with the exception of Bolen, in which case the sleeve also imparts torque. In no case is the sleeve adapted to be grasped, held or manipulated in order to drive the fastener. As stated, that is the job of the shank that extends out of the sleeve. The result of this operative configuration is that the security feature of Applicants' disclosed embodiments cannot be achieved. In each of the prior art tools, the tool shank could be pounded with a hammer to force the fastener-engaging structure onto the fastener. Not so with Applicants' device in which the housing is the driving portion of the key, and excessive axial forces cannot be applied to the key pattern as a result of its being slideably disposed in the housing's key well.

#### Rejection Under 35 U.S.C. 102 based on Donovan

Claims 1, 11-15, 28-30, 35 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Donovan (US 2,698,637). Applicants respectfully traverse. Donovan is directed to a screw driver bit that carries a slideable, spring-actuated pilot sleeve 9 having a counterbore to temporarily hold a screw 13 for insertion in a work assembly until the screw is engaged by the screw driver point 5. The screw-carrying position is shown in Fig. 1. Fig. 2 shows the pilot sleeve 9 in a retracted position to expose the screw driver point 5, which represents one end of a rigid bit shank 1. Claims 1-14 are distinguishable because they recite a housing whose base end is associated with a torque-receiving configuration adapted to transfer rotational torque from a torquing source to the housing, and a torque-transfer configuration that transfers rotational torque from the housing's key well to the retractable key pattern. The Donovan sleeve 9 does not have a torque-receiving configuration and there is no ability to transfer torque from a key well portion of the sleeve to the screw driver point 5. Claims 15-39 are distinguishable because they recite that the key head has an end face that faces a housing base end, and that this end of the key head

is free of torque-receiving shank structure extending beyond the housing base end. In Donovan, the screw driver point 5 forms one end of a shank 1 that extends from the sleeve 9. Claim 40 is distinguishable because it recites a housing whose base end is associated with a torque-receiving means for transferring rotational torque from a torquing source to the housing, and a torque-transfer means for transferring rotational torque from the housing's key well to the retractable key pattern. The Donovan sleeve 9 does not have a torque-receiving means and there is no means for transferring torque from a key well portion of the sleeve to the screw driver point 5. Claim 40 is further distinguishable because it recites that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In Donovan, the screw driver point 5 forms one end of a shank 1 that extends from the sleeve 9.

Insofar as Donovan does not disclose all of the elements of the rejected claims, the anticipation rejection under 35 U.S.C. 102(e) cannot be sustained.

#### Rejection Under 35 U.S.C. 102 based on Bolen

Claims 1, 11-15, 28-30, 33, 35 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Bolen (US 4,130,152). Applicants respectfully traverse. Bolen in Figs. 8-11 discloses a slot head fastener driver 28 that has an inverted T-shaped bit "B" that engages a fastener "F" whose head "H" has a corresponding inverted T-shaped slot "Q." The driver 28 carries a slideable, spring-actuated socket "J" for engaging the flats 77 of the fastener head "H." Fig. 8 shows the socket J in a retracted position "J'" to expose the bit "B," which represents one end of a rigid bit shank 20. Claims 1-14 are distinguishable because they recite a housing whose base end is associated with a torque-receiving configuration adapted to transfer rotational torque from a torquing source to the housing, and a torque-transfer configuration that transfers rotational

torque from the housing to the retractable key pattern. The Bolen socket “J” has a torque-receiving configuration via its engagement with the non-circular shank 20, but there is no configuration for transferring torque from a key well portion of the socket “J” to the bit “B.” No such configuration is required insofar as the bit “B” receives its torque from the integral shank 20. Claims 15-39 are distinguishable because they recite that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In Bolen, the bit “B” forms one end of the shank 20 that extends from the sleeve 9. Claim 40 is distinguishable because it recites a housing whose base end is associated with a torque-receiving means for transferring rotational torque from a torquing source to the housing, and a torque-transfer means for transferring rotational torque from the housing’s key well to the retractable key pattern. The Bolen socket “J” has a torque-receiving means via its engagement with the non-circular shank 20, but there is no means for transferring torque from a key well portion of the socket “J” to the bit “B.” No such configuration is required insofar as the bit “B” receives its torque from the integral shank 20. Claim 40 is also distinguishable because it recites that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In Bolen, the bit “B” forms one end of the shank 20 that extends from the sleeve 9.

Insofar as Bolen does not disclose all of the elements of the rejected claims, the anticipation rejection under 35 U.S.C. 102(e) cannot be sustained.

#### Rejection Under 35 U.S.C. 102 based on Langford

Claims 1, 11-15, 28-30, 32, 36 and 37-39 were rejected under 35 U.S.C. 102(b) as being anticipated by Langford (US 6,161,456). Applicants respectfully traverse. Langford is directed

to a shielded spike tool for removing spikes from athletic shoes. The tool has a shank 32 having a tool head 35 at one end for engaging a spike 14. The tool head 35 is enclosed by a shield structure 50 that includes an outer shield 52 rigidly attached to the shank 32 and an inner shield 53 slideably disposed on the shank 32 within the outer shield 52 and biased by a spring 70. The inner shield 53 normally extends beyond the tool head 35 but retracts when the tool head is advanced to engage the spike 14. Claims 1-14 are distinguishable because they recite a housing whose base end is associated with a torque-receiving configuration adapted to transfer rotational torque from a torquing source to the housing, and a torque-transfer configuration that transfers rotational torque from the housing to the retractable key pattern. The Langford inner shield 53 does not have a torque-receiving configuration and there is no ability to transfer torque from a key well portion of the inner shield to the tool head 35. No such configuration is required insofar as the tool head 35 receives its torque from the integral shank 32. Claims 15-39 are distinguishable because they recite that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In Langford, the tool head 35 forms one end of the shank 32 that extends from the inner shield 53. Claim 40 is distinguishable because it recites a housing whose base end is associated with a torque-receiving means for transferring rotational torque from a torquing source to the housing, and a torque-transfer means for transferring rotational torque from the housing's key well to the retractable key pattern. The Langford inner shield 53 does not have torque-receiving means and there is no means for transferring torque from a key well portion of the inner shield to the tool head 35. No such configuration is required insofar as the tool head 35 receives its torque from the integral shank 32. Claim 40 is also distinguishable because it recites that the key head has an end face that faces a housing base end, and that this

end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In Langford, the tool head 35 forms one end of the shank 32 that extends from the inner shield 53. With respect to claim 32, the claim has been amended to clarify that the staking is a structural feature.

Insofar as Langford does not disclose all of the elements of the rejected claims, the anticipation rejection under 35 U.S.C. 102(e) cannot be sustained.

#### Rejection Under 35 U.S.C. 102 based on McCauley

Claims 1-5, 10-19, 27-30, 35 and 37-40 were rejected under 35 U.S.C. 102(b) as being anticipated by McCauley (US 4,648,293). Applicants respectfully traverse. McCauley is directed to a key 24 for a locknut 10. The key 24 has a key head 43 mounted at one end of an annular shank 51. A spring-loaded housing 39 is slideably mounted on the shank 51. The housing 39 has internal threads that engage external threads on the lock nut 10. When the key head 43 is positioned for engagement with the locknut 10, the housing 39 is advanced and threaded onto the locknut 10 in order to maintain the key 24 in engagement with the locknut. Claims 1-14 are distinguishable because they recite a housing whose base end is associated with a torque-receiving configuration adapted to transfer rotational torque from a torquing source to the housing, and a torque-transfer configuration that transfers rotational torque from the housing to the retractable key pattern. The McCauley housing 39 does not have a torque-receiving configuration and there is no ability to transfer torque from a key well portion of the housing to the key head 43. No such configuration is required insofar as the key head 43 receives its torque from the shank 51 on which it is mounted. Claims 15-39 are distinguishable because they recite that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In McCauley,

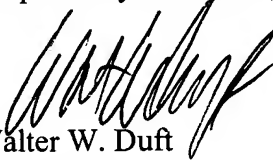


the key head 43 is mounted to one end of the shank 51 that extends from the housing 39. Claim 40 is distinguishable because it recites a housing whose base end is associated with a torque-receiving means for transferring rotational torque from a torquing source to the housing, and a torque-transfer means for transferring rotational torque from the housing's key well to the retractable key pattern. The McCauley housing 39 does not have torque-receiving means and there is no means for transferring torque from a key well portion of the housing to the key head 43. No such configuration is required insofar as the key head 43 receives its torque from the shank 51 on which it is mounted. Claim 40 is also distinguishable because it recites that the key head has an end face that faces a housing base end, and that this end of the key head is free of torque-receiving shank structure extending beyond the housing base end. In McCauley, the key head 43 is mounted to one end of the shank 51 that extends from the housing 39.

Insofar as McCauley does not disclose all of the elements of the rejected claims, the anticipation rejection under 35 U.S.C. 102(e) cannot be sustained.

In view of the foregoing, Applicant respectfully requests that all rejections be withdrawn and that Notices of Allowability and Allowance be duly issued. A proposed drawing correction of Fig. 2B is also enclosed to remove the right hand occurrence of numeral "22."

Respectfully submitted,



Walter W. Duft  
Attorney for Applicant  
Registration No. 31,948

Law Offices of Walter W. Duft  
8616 Main Street, Suite 2  
Williamsville, New York 14221  
Telephone: (716) 633-1930  
Facsimile: (716) 633-1932